

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

GEORGE WARWICK,)	
)	
Plaintiff,)	
vs.)	NO. 1:12-cv-00804-TWP-MJD
)	
COUNTRY CHOICE, INC.,)	
RANDALL JOHNSON,)	
CRAIG D. WALKER,)	
)	
Defendants.)	

**REPORT AND RECOMMENDATION REGARDING
THE DISMISSAL OF THIS ACTION
HON. MARK J. DINSMORE, MAGISTRATE JUDGE**

This matter was filed in this Court on June 12, 2012. An amended complaint was filed on September 13, 2012 [Dkt. 9]. On October 3, 2012 the Plaintiff filed a motion for service of the amended complaint [Dkt. 13]. The Court granted that motion [Dkt. 14] and service was achieved [Dks. 16, 17, 18]. Defendant Walker answered the amended complaint on March 20, 2013 [Dkt. 19] and Defendant Johnson answered the amended complaint on March 21, 2013 [Dkt. 20]. On March 26, 2013 the Court issued an order setting this matter for an initial pretrial conference on May 1, 2013 [Dkt. 21]. On a motion of Defendant Johnson [Dkt. 22] the initial pretrial conference was continued to May 22, 2013 [Dkt. 24]. The Initial Pretrial Conference was held on May 22, 2013. Defendants Randall Johnson and Craig D. Walker appeared. On May 23, 2013 the Clerk docketed three "Mail Returned as Undeliverable" notices [Dkt. 25, 26 and 27] relating to the Court's attempts to transmit its

December 12, 2012, March 26, 2013 and April 25, 2013 orders [Dkts. 14, 21 and 24] to the Plaintiff. On May 30, 2013 [Dkt. 29] the Court issued an Order to Show Cause to Plaintiff, giving him through June 19, 2013, in which to show cause why this matter should not be dismissed for his failure to prosecute this matter. Plaintiff has not responded and that order was also returned as undeliverable on May 31, 2013 [Dkt. 30].


A case cannot proceed if the Court is unable to contact the Plaintiff, and it is the Plaintiff's responsibility for keeping himself informed as to the progress of the case. *Casimir v. Sunrise Fin., Inc.*, 299 Fed. Appx. 591, 593 (7th Cir. Nov.14, 2008) (unpublished)(noting that "all litigants . . . are responsible for maintaining communication with the court and monitoring the status of their lawsuit as necessary"); *McMillian v. Dist. of Columbia*, 233 F.R.D. 179, 181 (D.D.C. 2005) ("The parties to a case bear the responsibility of monitoring the court's docket.").

In this case, recent mail addressed to Plaintiff George Warwick at 9638 Meghan Lee Drive, Indianapolis, Indiana 46235 has been returned to the Court as undeliverable. That circumstance, together with the Plaintiff's failure to appear at the initial pretrial conference conducted on May 22, 2013, and to respond to the subsequent orders to show cause, shows his abandonment of the action.

For the reasons discussed above, the Magistrate Judge recommends that this matter be dismissed for the Plaintiff's

failure to prosecute this matter. Any objections to the Magistrate Judge's Report and Recommendation shall be filed with the Clerk in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Federal Rules of Civil Procedure, and failure to file timely objections within the fourteen days after service of this Report and Recommendation shall constitute a waiver of subsequent review absent a showing of good cause for such failure.

Dated: 07/23/2013


Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

GEORGE WARWICK
9638 Meghan Lee Drive
Indianapolis, IN 46235

RANDALL JOHNSON
4610 Hilltop Drive
Caledonig, MI 49316

CRAIG D. WALKER
1447 West 58th Street
Indianapolis, IN 46228